

Next Town Assembly

Village of Arden

Monday, March 27, 2000

7:30 p.m.

Arden Gild Hall

AGENDA

- **Voting for Village Committee positions -
Registration Committee**
- **Update on Sprint offer to Arden**
- **Conectiv offer for trees**
- **Committee Reports in Regular Order**

Public town meeting. All are welcome.

**Please note: Those attending town meeting are eligible to
vote after six consecutive months as an Arden resident prior
to the meeting and are 18 years old or older.**

ARDEN TOWN ASSEMBLY

January 24, 2000 - 7:30 p.m. Gild Hall

Present:

Marguerite Archer	Don Holcomb	Rick Rothrock
Frank Akutowicz	June Irons	Sue Rothrock
Lew Aumack	Rodney Jester	Kate Sayer
Peg Aumack	Kathy Kelly	Marvin Sayer
Beverly Barnett	Deborah Kerney	Alex Scala
Bernadette Barrish	Allan Kleban	Elaine Schmerling
Jeff Barrish	June Kleban	Johanna Schroader
Ruth Bean	Evelyn Knotts	Bernard Schwab
Lizzie Broadbent	Lynda Kolski	James Schwaber
Walter Broadbent	Ken Lipstein	Danny Schweers (N.V.)
Molca Budin	Ken Mabrey	Sadie Somerville
Alan Burslem	Marjorie Mabrey	Jeffrey Steen
Bill Busch	Virginia Mann	Mark Sutton
Warren Butt	Mary Marconi	Lynne Svenning
Marianne Cinaglia	Albert Marks	Leon Tanzer
J. M. Colameco	Connec McKinney	Dion Taylor
Naomi Clark	Russ McKinney	June Taylor
Terry Colgan	Dane Miller	Mark Taylor
Jeanne Corman	Kristina Montejo	William Theis
Alton Dahl	Robert Montejo	Paul Thompson
Chris Demsey	Cookie Ohlson	Steve Threefoot
John Demsey	Betty O'Regan	Elizabeth Varley
Linda Eaton	Denis O'Regan	Mary Vernon
Phil Fisher	Ruth Panella	Helen Vinson
Joan Fitzgerald	Jim Parks (N.V.)	Nick Vinson
Tom Frantz	Roberta Perkins	Cecilia Vore
Dane Frantz	Amy Pollack (N.V.)	Larry Walker
Joy Gardner	Rob Pollack (N.V.)	Laura Wallace
Rachel Grier-Reynolds	Bill Press	A. L. Washington
Rick Grier-Reynolds	Roger Reed	Tom Wheeler
Linda (Lipstein) Hager	Peter Renzetti	Mary Brent Whipple
Aaron Hamburger	Liz Resko	Mamie Woolery
Sally Hamburger	Gail Rinehart	Bob Wynn (N.V.)
Amy Hill	Hugh Roberts	Joan Zylkin
Heidi Hoegger	Marjorie Roberts	

1. Meeting called to order:

The meeting was called to order by the town assembly chairperson, Bill Press. All residents were welcomed to the first "Year 2000" meeting and their participation encouraged.

2. Agenda Clarification: At the last Advisory meeting, it was decided to put the reports in priority order. The town assembly chairperson announced that this means tonight Old Business will be moved up in the agenda. We want to get the Home Occupation and Craft Shop Acquisition proposals handled first.

3. Correspondence - No correspondence at this time.

4. Announcements: Bill Press said that there were a couple of people that had some announcements. Peg Aumack had the first announcement. She said that on February 13th, from 1:00-4:00 p.m. there will be a studio tour. Peg said this will be an opportunity for everyone to move from one place to another. There will be more information about this in the Page. Included will be a map and addresses. Some people in Arden are quite unaware of their neighbor's work. There will also be a reception following.

Marianne Cinaglia had the second announcement. She wanted to make a comment about the articles that have been in the Page regarding the Craft Shop. She said the first letter that was printed in the Page, she could tell the person was just frustrated. But then when the Page printed a second letter, Marianne was concerned. She thought that if the Page is going to print such a strong opinionated letter, they should print two sides of the issue and not just one. Alton stood up and was dumbfounded by this comment. He thought that this was going against our freedom of the press. He also did not think this should be discussed at the Town Meeting. Marianne disagreed and said that our town supports the newspaper and that it *should* be brought up at the meeting.

5. **Registration - Process for Nominations** - Cecilia Vore went over the procedure for nominations for committee elections. For each position open we need two nominees. A printed ballot will be prepared for the March Town Assembly, but anyone is still welcome to run at the last minute. At the end of each committee report, Cecilia will list the number of positions open and the list of nominees that they have thus far. Aaron Hamburger asked if we could just do the nominations right now, but Bill Press said that he wants to go ahead with the Old Business first. Another point from Cecilia: the BWVC, the motion was made last year to expand the committee for a one-year trial period. She knows the committee would like to continue with that trial until they formally decide to expand the committee, so at the time when the BWVC gives their report, they will need to introduce a motion to expand the committee again.
6. **Approval of Minutes** - Minutes were approved from the 9/27/99 Town Meeting.
7. **Arden Book** - The Arden Book is available for purchase tonight. If you would like to purchase one or an additional copy, please go to the table during intermission.
8. **Old Business - Home Occupation**: Gail Rinchart said there are actually two issues that are part of this. One is the New Castle County ("NCC") task force and she'll give an update on that; and then she'll lead into Bill Busch's proposal. This is one part of the Trustee report.

Home Occupation: As you may have heard, the County has opened its version of the revised ordinance relating to home occupations and small businesses to public hearings. Some residents have attended and spoken at some of these hearings, particularly at the CCOBH meeting earlier this fall and at a recent Land Use meeting downtown. I believe that the County is getting ready to vote on this issue within a few weeks. The purpose of the County ordinance is to loosen the constraints on the home operation of businesses to make the rules more equitable across the scope of the modern day range of professions and to afford small businesses some support and protection during their incubation period. As you also know, the Home Occupation Task Force of the three Ardens has developed its own version of rules that they would like to incorporate into the County code. This Arden's document will be presented at this meeting tonight with the sponsors seeking approval from the Village. As mentioned in our recent flier, the Trustees have had some involvement in the Ardens' process, primarily to make sure that the document presented is consistent with the particular legal documents governing the leaseholds. It is not the role of the Trust to take a pro or con position in this matter. This is a Village decision. At the same time, each Trustee is a resident of this Village and, as such, has the right to express a personal opinion on the subject in the same manner as all other residents may comment. Please remember that, as we present our individual views during the discussion period, we are speaking as residents not Trustees.

Bill Busch ("BB") then went over his brief background of what has been occurring. When New Castle County rewrote the 1950's version of the Unified Development Code, they left out a section on Home Occupation to be filled in later. Councilman Bob Weiner, Home Occupation Task Force, and several people from New Castle County came up with a single code. 2 representatives from the Ardens. This has been going on for 2 years coming up with a recommendation for the County Council to be inserted into the code and it has not been voted on yet. The result of the code will affect home occupations including arts and crafts, and to many of us it was unacceptable. Arden's Home Occupation Task Force set out to protect our interests. At the last town meeting, a motion was approved for Arden's Home Occupation Task Force to come up with a final draft. Also to ask the County to make provisions to include this for the Ardens. This was done and Ardencroft has approved. We will vote on this tonight and then Ardencroft will do the same thing. This is the same code for all three Ardens. There are two handouts: one a memorandum from the County and the second is a comparison sheet with the County code and the exceptions for Arden. We are pleased to have Wendy Danner ("WD") from the New

Castle County Legal Department with us tonight and hopefully she can help us assess the differences and answer any questions.

Wendy mentioned that she is not on one side or the other. Her job was just to draft the wishes of the Task Force. Councilman Weiner asked that she act as a liaison to come up with a final product before it gets introduced before County Council. Two things that the Task Force committee asked for that we did not get. One was parking be preferred in the driveway not mandatory. We cannot get that because you cannot enforce. The other is the penalty phase, we had asked that a complaint only be followed up if it were two complaints from within the Ardens. That was not possible. Wendy said it was difficult with our large jurisdiction. There are 13 code officials, a huge caseload. Right now they are putting in mechanism to be able to tell if it is the 2nd complaint. The way it is right now it could be the same person calling in twice, they have no way of checking this out. No one is tracking complaints. You don't even have to leave your name with the complaint. When it comes down to prosecution, we won't take it to court unless we have more than one credible witness that a home occupation is taking place in offensive fashion and that it should be stopped. There has to be pretty solid evidence.

Comments: What are the checks and balances? (WD) Before we prosecute, we look into every complaint. And if we see that it's just one neighbor against another, a judge is going to waive that bias. Won't take it to court unless there is an individual 3rd party and photographic evidence. Few situations that go forward with one neighbor against another. I find it hard to believe that we can't bring these things up here and try to resolve it in the community - before it goes to court. (WD) That's something that we have talked about. She has argued that we could distinguish Arden on just limited basis because of the history of the villages and she felt this was enough. We have to treat all the residents of the jurisdiction the same. There was a lot of hesitation to treat the Ardens differently. There is always the option that the Ardens cannot be subject to the NCC codes and have your own zoning department. Then you can make the rules to fit your needs. For this town to enforce anything is a joke. Since 1950's there have been very few complaints. I can only think of 3 in 30 years. If there were lots of frivolous complaints, would you know about them. Have there been any? If we can somehow get a history of how many complaints. (WD) That is something we can probably get for you, I will tell you however, I was the prosecutor for the complaint department. Home Occupation complaints very few. When there is a complaint, we do give notice and a time to cure. We give you time to stop the behavior, before any enforcement mechanism. The only exception would be if you are doing something obviously illegal, like running a liquor store from your home - that would be a different story. The County already treats us differently. It is required to have a letter from Trustees before having a building permit. (WD) That's a little different from home occupation. I think we are getting away from the main issue. The reason we would like this is to protect our arts and crafts and small operations in accessory structures. The County code does not allow ANY home occupation in accessory structures. If we don't get this exemption, it would be devastating to Arden. Most importantly, our artisans would be out of business. (BB) Maybe if we try to go over the paragraphs one by one, we can get specific comments on these. We live in an unusual single tax community. I have deep concerns if Arden focuses on community underpinnings and exempt ourselves. How long before NCC and surrounding community is assessed at a certain rate and Arden has these exemptions? How long before NCC assesses us and makes money off of the property? I don't want to see the single tax threatened in any way. You can be assessed at a commercial rate, but I would pay for just a residential rate and the heck with the single tax, we'll be just like every other place. If I can be assured that that scenario is not going to happen, I can support this. I have other concerns, but you can't get everything you want in life. If this is going to threaten our single tax in a way, I don't want anything to do with it. I need to be assured by those people that this is absolutely vital to their livelihood that it's not going to be a possibility. (BB) We are still a residential zoning and that's not likely to change. We are just trying to make some of the business people and artisans that currently exist here in Arden - legal. Keep one thing in mind, the purpose is not to change this, we have been working on this for 2 years with the County - this is what we came up with, and hope it will be satisfactory to everyone.

(A.1) Employees: (Proposed Exemptions) A full time resident of the Ardens, (any Arden) and any family members - this allows accessory structure use. 2 non-resident additional full-time employees or independent contractors. To employ 2 add'l non-residential part-time/seasonal persons or independent contractors the Home Occupation Village Notification Form must be filed with the Village Secretary. The form will list # of employees and names - no DOB or SS#.

Comments: There was a question on residency. This isn't a home business if the person doesn't live there? What are we talking about? Let's say that someone comes and rents a house in Arden, the landlord says that he is running a business out of the garage, so I'm not renting the garage to you. That's subdividing leaseholders. What does that do? We are crossing a line here, and I'm not sure why. Can anyone explain it to me? (BB) There are a number of people that live in one location and run a business from another. This is intended to protect those people. Is there a strict definition of what 'seasonal' means? (WD) Right now there is not a definition in the County code and it is a concern, because it will arise I am sure. It's never been tested in court, right now we just have to go with what is reasonable. Does the County have some limitations of what is considered a home based business? (WD) In order to be considered a home business, you need to be a full time resident and the business is in the home. There are certain guidelines, but the way we are approaching it with the Ardens, is if it is OK with you guys, it is OK with us. So as long as we think it is enforceable, and as long as it goes along with Arden philosophies - it is my understanding that Councilman Weiner would be in support of this. Would that be through a referendum? (WD) The Ardens are each considering this and come up with a final vote. They will come up with one unanimous document to present to Weiner. The document will get introduced to County Council. It will then go to the Planning Board for discussion. And then the department will give a formal recommendation and then the County will give a final vote.

(A.3) Location, size and modifications: Business use allowed outside and in accessory structures. Total business area use not to exceed 1,000 sq. ft. Including use of accessory structures.

Comments: Why do we need to rewrite the rules around something that doesn't make sense? Doesn't agree with the proportions. So, if you need a big studio you have to buy a big property? Another person mentioned that some of the original homes in Arden, "little Arden", are very small 2 room houses that only have room for a studio and a small living space. There was a disagreement on this, the little Ardens were created to house the crafts people who were working across the street. It was mentioned that Frank Stephens, and other founders, didn't want the crafts people to spend too much time in their houses and wanted them at the craft shop. This 1,000 sq. ft. is a reasonable amount, and our existing artisans need an accessory structure. It was clarified that the percentage mentioned on the sheet (see attachment) applies to the house. A remark was made regarding the limit to 1,000 sq. ft. for 1 story building. Their concern is that people would make a 2 story building and it would change the character of Arden. Another person mentioned that 1,000 sq. ft. is a little over 30' x 30'. It is crucial that there be a relationship between home and business. 1,000 sq. ft. of business and 800 sq. ft. of residence - that's not a home business. Home should be major part of the footage - as long as we are zoned residential. Missing something if we do not mention the size of the residential property. (BB) Reading from the more detailed proposal - it says: "Exception: In the Ardens, the home occupation shall not exceed 1,000 square feet inclusive of all square footage in the dwelling and any accessory structure on the same lot utilized for the home occupation so long as the residential character of the buildings are maintained."

(A.4) Parking: This will stay as the County has stated it, so you must park in your principal driveway. No comments.

(A.6) Outside Storage: Outside activities and storage are permitted but neither shall be visible from roadways or from beyond the leasehold.

Comments: What you have on your property is going to be visible to your neighbors. Someone else asked if there was a wording problem? Shouldn't #6 be just 'storage' and not include 'activities'? (WD) I think the intent was that the activities could take place but with some type of shield or a type of buffering. Is that what Arden wants? Are we offended by people working? (WD) Remember it's not just artistic pursuits. The word "activities" can be removed. At the Ardencroft meeting there was a concern about the outside storage and the interpretation that was given there - storage and activity space would be in addition to 1,000 sq. ft. (WD) It is my understanding that it is for 'storage' and not for the occupation. In an exception, when this is necessary for business or craft, would it be possible to go to NCC for a variance? (WD) There's a provision currently in the ordinance that will be voted on by the County Council tomorrow night and it would not allow any variance. If something presents a hardship for you, you can go in front of NCC for a variance. For example, several dentists are illegal for many years. They missed the grandfathering by three years. There have been no complaints. One dentist, for instance, currently limited to two non-resident employees and the dentist had 5

employees. So, he went to the Board of Adjustment and received a variance allowing the other 3 employees. The dentist is now legal. Yet, this was a variance for number of employees not occupation. Ordinance now going through with no variances on Home Occupation. The question still came up about being offended by people working. Not sure if this was resolved. Was it resolved that "outside activities" will be stricken? (WD) We can remove "outside activities" but we will have to discuss with other Ardens. If we vote for this and later find things not foreseen, what happens then? (WD) You would then have to re-petition the Ardens to form an amendment to the County Code to change whatever wasn't foreseen. I apologize that I didn't know that Ardencroft already voted on the document. I'm not sure that the variances is clearly stated. Variances as far as Home Occupation. (WD) Only on this specific section of the code. The rationale behind that was with the Home Occupation Task Force this was a product of 2 years of negotiation and debate. They feel that any kind of a deviation should come from it. I'm a member of the County Task Force, and I don't remember discussing this about no variances being allowed. Is that something the County Council added to the document? (WD) Yes, about 3 weeks after the final vote was taken. I don't think it came up until the situation with the dentist. At what point is an activity an occupation? (WD) When there is income. What if there is a loss? (WD) It would probably be looked at by a case by case basis. Things that generate complaints are more intense than a hobby. A better way to word it may be 25% of the floor space, but that's up to the Ardens.

(A.8) Signs and Displays: 1 non-illuminated sign up to 1 sq. ft. in size may be attached to the dwelling or accessory structure. 1 two-axle marked service vehicle may be parked on the property. No comments.

(A.9) Manufacturing, repairing, mechanical work: Manufacturing, repairing and other mechanical work may be performed outside the structure housing the home occupation....so long as it is conducted in such a way that no noise, heat, glare, odor, vibration, electromagnetic interference creates an annoyance to persons of normal sensibilities such that a public nuisance is created. No comments.

(A.10) Penalties: We asked before if we could limit complaints, but it's not possible so we have to go with the same penalties that the County has in place. (BB) Keep in mind that if we don't pass some form of amendments or exceptions to this code, the County is going to go ahead with their codes and we may not be able to change it later.

Comments: Gail Rinehart wanted to give her personal views. I have been a part of the County Task Force and support the concepts. It's a part of our heritage. However, I have reservations about this particular version - it contains the rules for operation. I feel it is just a touch short sighted. Until tonight, no where have I heard discussions on other areas of impact that will be affected whether it be now or twenty years from now. Specifically, land rent structure and assessment, and population base. These are my two personal concerns. Our system of land rent means that all leaseholds share the cost of individual construction. When the leaseholder expands or improves their building, the County assesses, it increases the County taxes, and we all share in the cost based on assessed values. By living here she understands this and accepts this. However, with that version there is a potential for significant construction for business purposes. That leads to increased assessment and increased land rent. In other words, significant increases based on another individual's livelihood. I'm looking for a balance and some controls so I'm not priced out of the residential neighborhood because of a business. The assessors do have adjustments built into the land rent system. There are both positive and negative factors. It is also a tiered system. There have been for years additional assessments against multiple dwelling lots. I would like the assessors to institute a factor or a rate relating to home businesses. These businesses are using residential roads, residential garbage and they have gained capital assets that are marketable. They get income tax depreciation write-offs. I am also concerned about the population base of our village. This relates to two particular points in the three Ardens' proposal. One about the 1,000 sq. ft. and about any resident in the 3 Ardens can maintain a home business. My house is less than 1,000 sq. ft., certainly not the only single story small house in this village. Mine could be solely used for business owned by a resident in another village. You multiply this by 5 or 10 lots and that represents a significant loss of people, people who would care about the work and welfare of the Village. Where are the controls? Open this village up without foresight could create a legality for businesses. Certainly the outside world will see this. From one perspective this is exactly what we want, to encourage and support the artisans in our village. However, I need to feel there is some structure in place to preserve a balance of interests. Ultimately, I feel this proposal has the potential to make an impact on other goals

diversity that we have fought for. With this version, without any controls, we could price ourselves out of existence as a viable, residential community. In closing, I appreciate you listening to my comments. My goal is to suggest that we slow down to make sure what goes in place is right for this village in the long term. This is not an approval or lose all situation. I think it is well worth whatever time is necessary to look at everything and everything impacted. Another person said they thought the County should pass the proposal. On the 1,000 sq. ft. situation, our family ran a business and used 2/3 of our house to run our business. It was a large leasehold. As far as population loss is concerned, under the current County proposal, we certainly will have population loss. All of the artisans that are out of code. As far as expansion of business. The current provision does cover the expansion of business. As far as commercial businesses are concerned, I think most of us forget our heritage. Up to 1950 - 83 businesses advertised in Town of Arden. Not concerned about what town will become as far as manufacturing is concerned. Another person stood up and said: I concur with what Gail is saying. We all assume neighbors will be kind and understanding. But, unfortunately, I don't know that this will happen in the future and I worry about single tax and message we are sending out there. When money is at stake, unfortunately people seek an advantage. I would like to see in this document, a statement of responsibility for the exceptions that are being granted to these businesses. A statement of responsibility back to the community, that these businesses are here, but they are here basically at the good graciousness of the residents. I think we have a document that supports businesses, but where does it say that the Town will get something in return? Until I feel that this document addresses this, I can't vote for this. Bill Press asked if we are finished and that a motion occur on the proposal. Wendy Danner said she was going to take off and hoped she explained everything for us. Bill Press thanked Wendy for taking the time to attend our meeting.

MOTION: We, the members of the Ardens Home Occupation Task Force, move that the Village of Arden adopt the amendments and exceptions to the Home Occupation ordinance (section 3.420 and section 33.221 of the NCC code) as provided by NCC and dated 1/18/2000.

Motion seconded.

Comments: My comments are regarding the single tax. You are entitled to develop your leasehold the way you want. I don't like some of the additions that are added to a bungalow, but they have every right to do it. That's the fact. How can this affect our taxes? Right now the addition of swimming pools affects our taxes. I don't think this new current situation will affect it anymore than where it is right now. This particular motion is to protect what we already have. Yes, there's danger that it will affect our economic diversity. However, if you look at the people that have the home businesses, these aren't the wealthy people. (Another person) Everyone has come out to say that Home Occupation are a part of Arden. However, we need to clarify what this is going to have. I really don't think this one discussion is the place to solve this. The way this list was developed, people were asked, "What would you like to see in the code?" Some people wanted accessory structures and leaseholders to be able to conduct a business in which they don't occupy. Then we have the 1,000 sq. ft. That is no small structure. Then someone said about the signs. Then the marked vehicle. Then storage and activity outside. Now, it doesn't say 1 or 2 exceptions, it says you can have them all. Right now we don't have any business that is taking advantage of all of these exceptions. Once we pass, a crafts person can do all these as a legal right. People will say "Oh, no one will take advantage of this." As soon as they build this structure, they may realize that this would be perfect for a home business. I think there's a lot of things we can look at closer. It was today, that Ardencroft passed this. The vote was 8 people for this home based ordinance and 1 person said "No" and 1 person abstained. We have an ordinance in place. Our ordinances sometimes take 3 readings to get an ordinance passed. I suggest we look at this carefully, but we need to think of the entire passage, before someone takes advantage of every single item listed here. Bill Press said that we could ask right now to table the motion or we could pass but I don't think we should sit in limbo. We should do something. If NCC passes it, it will be harder to get an exception to pass. Marianne Cinaglia said she did talk to Councilman Bob Weiner and he said that as long as he is certain that the ordinances is something that the Ardens want, whether it goes in now or in three months, it will be passed. Because we are the ones that are speaking for our particular village.

MOTION: I make the motion that table this motion to adopt the amendments.

Motion seconded. Opposed to table the motion - 59 Table the motion - 22

3 to 1 not to table. The motion was not tabled.

Call the question (to vote on the motion). Motion seconded. (Motion on adopting the amendments and exceptions to the Home Occupation ordinance) Nays - 21. Motion was passed.

8. **Old Business (continued) - Craft Shop Acquisition:** (Mark Taylor) It's very critical that we go ahead with this. One of our historic buildings, the Arden Craft Shop will be up for sale in the near future. The owners have very generously given the Village notice of the impending sale and given us the 1st option. We have 1 chance to get this right. If this is tabled, it counts as a "No" vote. Contrary to what was expressed at yesterday's informational meeting, there are no second chances. Different chances with different choices. This building has been owned by the same owner for over 30 years. It is sold privately it could belong to someone else for another 30 years. If it is allowed to deteriorate it could be lost forever. Recently we lost the inn to neglect. We have to decide tonight if we have to decide if we want gamble on losing something else. Many of the arguments is that this is nice and idealistic, but we are just simple people with simple incomes, maybe in the future. This issue has to be addressed now, however. As Sally Hamburger said, does that mean we're going to be less simple in 10 years? The timing couldn't be better. If we're going to do a capital campaign - this is it. One thing we have to talk about is the town museum. One of the three charges given the committee was to "work towards creating and funding a permanent museum". Archives is presently housed in the BWVC a move that was always regarded as temporary. And we've worked hard in finding a more fitting location for the museum. The Archives committee's job was to find a place best suited to interpret. A museum is a place to explain to outsiders why these things are important. You elected this committee back in April to explore the purchase the Arden Craft Shop. The committee was charged with

A) determining purchase price, renovation and other capital costs relating to craft shop ownership;
B) determining the feasibility of raising the necessary capital funds; C) developing a plan for managing the operation; and D) proceeding with the community redevelopment fund. Our committee has now finished its task. Is it perfect? Of course not, but we've done the best we can. But we think we've given you enough information to make an informed decision. What is it going to cost the individual? See the attached document. I'm going to go through the charge of the committee. Proceeding with community redevelopment fund. We've been given a grant of \$40,000. It was less than we applied for, but Representative Wayne Smith wanted everyone to know that this is "seed" money and we can go back and apply for more money next year. Groups that have gone back a second time have received more funding. Another charge was to determine a purchase price and ownership. Looking at the sheet, see the capital funds required to purchase property, it has \$245,000 for the sale price. The repairs and renovations don't spell out the exact figures, the items we did consider are listed and we estimate \$225,000, the museum installation we estimate at \$105,000, closing and legal expenses at \$8,000 and miscellaneous fundraising expenses at \$20,000. The capital campaign we're estimating between \$500,000-\$600,000. A minimum of \$500,000 would mean lower priority items would be eliminated. One of the charges (2nd) - the funds we already have committed to this project total \$110,000 which includes the \$25,000 that we, as a town, voted for the project; the \$40,000 from the community redevelopment grant and a \$45,000 cash contribution from the owners of the Craft Shop. We've completed the feasibility study to the best of our abilities at the moment we've looked at 3 foundations and we have an estimate between \$200,000-\$250,000. As you can see, we've chosen the lower number of that. From advice, we have target funds from 6 other identified funding sources and included is individual gifts. 1 of the charges that was given to the Archives committee, was not only to propose a permanent location, but also to fund the project. The Craft Shop consists of 7 apartments. Our proposal is to remove 1 apartment and to turn into the Archive museum space, which leaves 6 from which to draw funds. We had a professional look at where we stand now with the rentals, and the opinion was that they are undervalued at 65% below market value. Some indeed were even 100% below market value. Our figures include a 20% increase over the present rent. One of the other charges that we received from the town was to develop a plan for managing the operation of the building. The committee was split 4 to 3 over the process of village ownership vs. corporation ownership. After the informational meeting yesterday and since our committee was so divided, we would actually put this before the town tonight prior to the original motion. I'd like to bring up Alton Dahl to address those differences. Alton went over the Craft Shop Ownership paper (see attachment for more details). Table compares advantages/disadvantages of these two options. Craft Shop Acquisition Committee has worked on two different possibilities. The key issue in choosing between the two options, is a trade off between the degree of ongoing legal and financial liability by the Village and better financial results for the project. A = results in lower costs, but gives Village liability. B = shields Village from responsibility but reduces income of the project as a result of taxes, and other misc. items. This table is good for

27 years while the building is being depreciated. Look quickly at each of the little blocks on this table. I'll cover one block at a time and we'll see what questions people have.

Issue	Option A = Village Ownership	Option B = Corporation
Legal Liability	Use additional insurance to cover liability, excess would come to the Village.	Liability would stop with the corporation.

Comments: (Alton) Under Village Ownership we are responsible for it. In the case of Option B the responsibility would stop with the corporation. Why does it stop? We no longer own the building. What are the consequences? We no longer control the building. The Board of Directors elected by the Village, but they wouldn't have to be at the Town Assembly. You can think of this similar to the Buzz Ware, it's Village ownership and the Arden Club is similar to the independent corporation. Can you specify the residents of Arden are elected to the Board of Directors. You can make a rule that the Board comes and makes a report to us? You can do anything you want. But if you want to separate the liability, you can't have any control. We don't have any control over the Trustees, but they voluntarily show up. What is the model for the election? We suggested the election procedure that we currently have for the Assessors. This Board should come to the meetings to keep us updated. Assessors come as part of the charter. Trustees come because they are gracious. I'm not sure if the liability does stop there. I've heard of cases where officers of a corporation go to jail. Doesn't think Town could escape this. Someone else said it would be protected if it is private. How does a person become a nominee to this Board? Didn't come prepared with details, but we'd like to go over that at a subsequent meeting. Do not think it is wise to have only Arden residents on Board in either case.

Issue	Option A = Village Ownership	Option B = Corporation
Financial Responsibility	Maintenance paid from rental income, excess maintained as reserve.	Corporation responsible Village not responsible.
Tax Status of Rental Income	No income to the Village is taxable.	Income after maintenance and depreciation is taxable as "unrelated income".
Tax Status of Donations	Donations to the Village are tax deductible by donor.	Corporation would be 501(C)3 and donations deductible.

Issue	Option A = Village Ownership	Option B = Corporation
Land Rent Status	No rent, ownership transferred to the Village, no county tax.	Lease held by the Corporation; no County tax; Land Rent paid to Trustees.

Comments: I noticed in the overall evaluation, there wasn't any discussion about to a separate corporation by the Archive committee? If we go with the independent corporation, and the lease would be held by the corporation, and the Trustees presumably would follow the model of the Arden Club. Right now we haven't approached anybody about land rent/building rent. Since Archives owned by Village, you might feel the Village should make a contribution, but that's a detail to be discussed. Handicapped accessibility?

Issue	Option A = Village Ownership	Option B = Corporation
Tenant Relations	Handled by contract with professional manager.	Same.

Comments: We don't think it's a good idea to manage the apartments. The professional management would be hired by the Village or the corporation. We would hand over any problems the tenants are having. There are companies in Wilmington that do this kind of thing. No real differences.

Issue	Option A = Village Ownership	Option B = Corporation
Accounting Procedure	Existing strict Village accounting rules would be followed.	Maintain separate, strict accounting required by tax status.
Archives Collection Ownership	Archives collection owned by the Village.	Same.

Comments: *Archives could be owned by a separate corporation but the concept of the nature of our Village and our collection, we thought there was only the one option. Handicapped accessible? We had an architect evaluate the building, he's also a structural engineer, and we also had a restoration architect. Was he familiar with the handicapped laws? It's not a given. What you are doing here is open to the public and different from a business. You need to look at the rules yourself. I agree. That sounds like a good idea. If you fall short in your fundraising - will you go for a mortgage. Our plan is to go for \$500,000 - but no plan to go for a mortgage if we don't raise this money. It could come back to a Town Meeting and ask to go for mortgage. (Mark Taylor) Also, in the general motion, it also says under one of the bullets: When necessary capital funds, \$500,000-\$600,000 are obtained..." therefore the committee would have to come back to the Town and sadly say we didn't meet the \$500,000, we did \$460,000 and we need to know if you want to proceed?*

MOTION: (The Craft Shop Acquisition Committee) If Craft Shop is purchased, should ownership be by proposal A (Village of Arden) or proposal B (501(C)3 Independent Corporation).

Motion seconded.

Vote to table until we talk about the next motion. Seconded. Vote to table was not passed.

Comments: *Any more discussion before we vote on option A or option B? Option A clear advantages to this ownership. Six reasons why this is good: #1 - simple to set up within our existing charter. #2 - we, as a Village, will have direct control and do things for the future. #3 - Landlord - that's resolved in either case. #4 - Liability - this removes the liability with the Village, owning the building - we would double the liability coverage. If you are worried about risks, we have greater risks from the playground. We also have liability on our roads and also BWVC when Montessori was there when filled with kids. #5 - we get higher income and if income is more than we need it can go to Village or it can go to whatever we want. Such as if you wanted it to go to the BWVC. #6 - Lastly, if the Village owned the building, and if we decided to change our minds - we could later on transfer the building to a separate corporation. It would not be possible with the other option.*

Bill Press repeated the motion:

MOTION: If the Craft Shop is purchased, should ownership be by (A) the Village of Arden with a Board of Directors elected by the residents of Arden? or (B) by a 501(C)E corporation with a Board of Directors elected by the Village of Arden. The motion was seconded.

I don't like either option, we need to have another option of not doing it at all. *You are out of order.* Option A is foolish. Liability is a big issue. Liability is critical. The corporation will suit the needs, Archives will have a place, the building will be preserved, the town will be protected, everyone will go home happy. Everyone should only go with Option B. The town lawyer recommended that we set up a corporation to protect the town - that is not foolproof. That is the best shield, but not foolproof. He suggested getting rid of all tenants in the building. The best way to do this is through a corporation. Can you answer whether there is a difference in fundraising activities as a separate corporation vs. the town? (Mark Taylor) According to our consultant, yes, although this town is a tax-free municipality, does have a record of getting foundation money in the past. This is a critical point. We are trying to raise around \$500,000. The foundation we got money from in the past for Archives was the Longwood Foundation and she does have reservations about this, but what Longwood

does - the other foundations follow suit. I think it's an economic issue not liability issue. I'd like to comment on lawyer recommending the corporation. We should ask the lawyer whether it's legal or not - they should not formulate plans. When we talk about a corporation - this is not separate from the Village, it is tied to the Village. Just to clarify this. They are not separate entities. (Alton) Not private, but it's also important to keep a distinction between an Arden owned corporation. How are the members of the corporation formed? Interest in Arden? Our proposal will be, but not tonight, it will involve nominations, referendum similar to Assessors. This is for either plan. Call for a vote.

**MOTION: Option A, Options B, or Abstain previous motion.
Motion B was passed.**

Comments: Bill Press asked for clarification for timing, (Mark Taylor) Timing is so critical because of funding cycle. They have to be at the foundations by March 15th. If we want to do this within the capital campaign, that's why it's not possible to till the next meeting.

MOTION: The Craft Shop Acquisition Committee, having finished the tasks charged by the Town Assembly in the 4/26/99 motion to explore purchase of the Arden Craft Shop, now proposes to complete the work leading to purchase of the Craft Shop and the establishment of an Arden Museum. By a vote of 5 to 2, the Committee requests Town Assembly authorization to:

- Proceed with capital fund raising and financing.
- Handle legal issues.
- When necessary capital funds (\$500,000 - \$600,000) are obtained or committed for purchase and renovation of the Craft Shop, finish negotiations and purchase Arden Craft Shop.
- Develop and recommend to the Town Assembly a procedure for election by the residents of Arden of a governing Board responsible for: proceeding with planned renovations; initiating an Arden museum; and continued operation and maintenance of the property.

Motion seconded.

Comments: If you get these kind of funds committed than this committee would go ahead and sign a purchase agreement for the Craft Shop? (Mark Taylor) Yes, if we get the funds. Timing for funding goal? October 2001. Purpose of fundraising this year? Would like in the motion that they come back to the Town and give progress reports. Marguerite Archer stood up and read the following letter on behalf of the BWVC Committee: The BWVC Committee would like to make a statement regarding the possible move of the town's Archives. For the past two years, the BWVC Committee has been discussing our long-range plan. The purpose has been to identify building use and activities the community would like to have in our village center. A major topic of these discussions has been the Arden Archives and where they will reside. As the acquisition of the Craft Shop is explored, we are at a standstill in our long range planning discussions in terms of building use and financial resources. The Archives' directive is to find a permanent location, which will be satisfied whether they move to the Craft Shop or stay at the BWVC. The BWVC Committee supports the Arden Archives permanent inclusion in the BWVC community life. The long-range plans have always taken into account the need for expanded space for Archives. Should they ultimately reside at the center, Archives and an Arden Museum will be considered a priority for the long-range plans of our community center. (End) Another person said that they were out of town and missed the informational meeting yesterday. I am in a difficult position. I was on BWVC committee and chairperson for 2 years - and felt strongly to expand the building to hold the Archives. We were put on a stand still at that time. I feel the Village owns the building and that it is ignored in many ways. What kinds of thoughts have been given to a mix of residents and archives? Water damage? Plus parking? I think arrangements have to be made. Realistically there aren't going to be that many people all coming at the same time for parking to be a problem. They could park at the Gild Hall and then walk across the street. Could any of these funds go to the BWVC? This is not the best idea. What cost to us? Where do we draw the line? Several issues we haven't discussed - we shouldn't be a landlord. Someone has to oversee. Liability still not foolproof. Cannot compare Craft Shop with Buzz Ware. One person said they have friends on both sides of this

issue. A lot has gone into researching this, and it will be tough to pick up after voting. Whatever happens please feel welcome again. How many people visit the Archives presently? *4-6 people on a Sunday afternoon.*
Dozens of scholars. Busloads do not come to Archival museums. There were more statements in favor of keeping the Archives at the BWVC. Another person said they are in favor of purchasing the Craft Shop and said that sprinklers could be purchased to alleviate the worry about fire, and the sprinklers could spray something other than water. As far as expanding the BWVC - the BWVC is always in trouble facing money. The fact that the Archives are not popular, is not a good point. When things first start, they are never popular, but there still be a value in having this. As far as volunteerism. We have a marvelous system of getting volunteers for projects. It's going to be a great loss if the Craft Shop gets into the private market. Bill Press reminded everyone that if they do not have a new point, to please sit down. When you are dealing with preservation there is no ideal place to house archives. Every place has its risks. Everyone was reminded by one of the Trustees that we will receive an income from buying this property. Also, that if this doesn't work out - we turn around and sell the place. Another person thought it was important not to lose this opportunity - Arden has character, and we're losing things if we don't try to keep things that are historic. Another person stood up and said that they have lived in the building, worked in the building, and doesn't know what the condition the building is in now. I have seen new people move in and do wonderful things to their newly acquired homes. Not sure why we don't have faith in new residents doing justice to the building. Also, I don't believe for a second that it isn't going to cost the town money. There's always money to go towards upkeep. I don't like the idea of selling it to the town and making people believe that there isn't something fiscal involved. Let's be honest and straight forward. Another person said that turning around and selling the property if it doesn't work is not the ethical and legal way to handle this. Bill Press asked for a vote but more people had comments. A person mentioned that there is a whole area that is filled with termites in the Craft Shop. There is a lot of termite damage. Call for a vote.

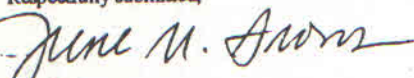
VOTE ON MOTION: Ayes (to acquire Craft Shop) = 43, Nays = 26, Abstain = 0.
Motion has been passed.

Bill Press said that we are in an unusual situation. We have only gotten to two subjects tonight and have run out of time. That means a Special Town Meeting has to be scheduled to continue with the committee reports, nominations, etc. Cecilia said that it is considered a "continuance". Various dates were suggested, but no consensus was determined.

MOTION: Motion to adjourn to a time to be determined by Town Chairperson that best fits. Motion seconded. Motion passed.

Meeting adjourned.

Respectfully submitted,



June M. Irons
Town Secretary

N.C.Co. Code - Condensed Comparison of New Castle County Proposed Home Occupation Ordinance & Ardens Proposed Exceptions

Code

A..1

Employees:

New Castle County Proposed Code

The full time resident of the building and any family members who reside in the building.

2 non-resident additional full-time OR 4 part-time employees or independent contractors - only 2 on premises at one time.

To employ ANY non-residential persons a Conditional Home Occupation Agreement must be filed with the County in reference to these employees (information includes: name, date of birth, address, etc. & optional Social Security #).

A..3

Location, size & modifications:

No business use outside the dwelling unit
Total business area use not to exceed 25% of the gross floor area of the dwelling - no accessory structures
No structural changes to the dwelling unit for the primary purpose of the home occupation

A..4

Parking:

Parking is off-street. Only the principal driveway may be used for parking in conjunction with the home occupation

A..6

Outside Storage:

No outside display or storage of materials, goods, supplies or equipment related to the home occupation is allowed.

A..8

Signs and Displays:

No sign is permitted which will in any way advertise or identify the home occupation.
No marked service vehicle, trailer or other equipment used in conjunction with the home occupation shall be parked on the property or contiguous street right-of-way so as to identify, advertise or attract attention to the home occupation.

A..9

Manufacturing, repairing, mechanical work:

No manufacturing, repairing, or other mechanical work shall be performed outside the dwelling unit.
When such activity is conducted inside the dwelling unit, it shall be conducted in such a way that no noise, heat, glare, odor, vibration, electromagnetic interference or smoke shall be perceptible at or beyond the property line.

A..10

Penalties:

Violation of code - subject to criminal proceedings and a \$100.00 fine &/or up to 10 days imprisonment per violation

Ardens Proposed Code Exceptions

A full time resident of the Ardens, (any Arden) and any family members - this allows accessory structure use.

2 non-resident additional full-time employees or independent contractors.

To employ 2 additional non-residential part-time / seasonal persons or independent contractors the Home Occupation Village Notification Form must be filed with Village Secretary. The form will list # of employees & names - no d.o.b. or SS#

Business use allowed outside and in accessory structures.

Total business area use not to exceed 1000 sq. ft. including use of accessory structures

Same as

It is preferred the principal driveway be used for parking in conjunction with the home occupation.

Outside activities and storage are permitted but neither shall be visible from roadways or from beyond the leasehold.

1 non-illuminated sign up to 1 sq. ft. in size may be attached to the dwelling or accessory structure.

1 two axle marked service vehicle may be parked on the property.

Manufacturing, repairing and other mechanical work may be performed outside the structure housing the home occupation...
... so long as it is conducted in such a way that no noise, heat, glare, odor, vibration, electromagnetic interference creates an annoyance to persons of normal sensibilities such that a public nuisance is created.

Same as AND... Complaints regarding home occupations within the geographic confines of the Ardens will be responded to and/or investigated after two complaints are received from different residences/domiciles within, adjacent to, or fronting the Ardens.

M E M O R A N D U M

TO: Amy Pollock
Representative of the Village of Ardencroft

FROM: Wendy R. Danner
Assistant County Attorney

RE: Revised Amendments to the Home Occupation Ordinance for the
Ardens

DATE: January 18, 2000

Amy: I have incorporated all the suggestions contained in your January 12, 2000 letter, with the exception of the following:

1. A.4.: **Parking.** You wanted to add an exception stating that "it is preferred", rather than mandated, that the principal driveway severing the residence shall act as the parking area in conjunction with the home occupation. "Preferences" are not enforceable in court. The Ardens must opt to either be subject to the mandate, or except themselves from it entirely.

2. A.10. **Penalties.** You wanted to add an exception requiring all complainants to live in, or adjacent to, the Ardens. Further, you requested that County Complaints respond only after the second complaint about a home occupation is made from a different residence than the first complaint. The Department is very much opposed to this provision for several reasons. First and foremost, the provision violates equal protection. We can not limit the right to report a criminal offense to lot occupiers in, or adjacent to, the Ardens. Second, in every report the complainant's name and address is confidential (and need not even be given). In every prosecution of an illegal home occupation in Arden, the County would have to reveal the complainants in order to prove that two complaints were received prior to our investigation. The Department could not do this in light of our strict confidentiality policies. I understand what you are trying to accomplish by requesting that this provision be included. However, you have to trust that the standards we developed, the discretion we have as prosecutors, and the checks and balances in the judicial process will not result in erroneous convictions.

As we discussed earlier, I will be present at the Ardencroft Village meeting this Thursday, January 20, 1999 at 7:30 p.m. to discuss these amendments.

Section 33.221. HOME USES

A. **Day Care, Family, and Large Family.** A facility in a private home

B. **Home Occupation:** Home occupation means any service, profession, occupation or trade which is conducted within a residential dwelling and which does not change the essential character of the residential use. See Chapter 13, Table 03.110, for uses that are first allowed in districts other than traditional neighborhood, suburban transition, manufactured home, suburban, suburban estate and neighborhood conservation and that thus are excluded as home occupations under this definition; beauty and barber shops and schools are specifically prohibited.

1. Exception: In Arden, Ardentown, and Ardencroft ("the Ardens") the home occupation may occur in the dwelling and any accessory structure on the same lot. Therefore, for the purposes of this section and section 03.420, the term "dwelling" shall be synonymous with the term "structure" when applying home occupation regulations in the Ardens.

C. **Home Business:** This is a business operated out of homes. . .

Section 03.420. ACCESSORY USES, RESIDENTIAL HOME USES

- A. **Home Occupation.** Any home occupation as defined in Section 33.221 (b) which is conducted in a manner such that the dwelling housing the occupation is indistinguishable from dwellings with no business use and which meets the following standards is permitted as an accessory residential home use as set forth below.
1. **Employees:** The owner of the home occupation shall be a full-time resident of the dwelling unit and subject to the following exceptions shall not employ any individuals other than family members who also are full-time residents of the dwelling unit.
 - a. Additional non-resident, on-site employees or independent contractors are permitted if the operator executes a Conditional Home Occupation Agreement. Upon execution of the Conditional Home Occupation Agreement with the County, the operator may employ up to two (2) full-time non-resident employees or independent contractors at a time or up to four part-time employees or independent contractors, provided only two are on the premises at one time. The agreement must be on the form provided, disclose the name and date of birth of all additional non-resident employees and/or independent contractors and be filed with the County Code Enforcement Office. All information on the written application is of a continuing nature. Any changes in the information on the application must be in writing and mailed or otherwise submitted to the County Code Enforcement Office within thirty (30) days of the change. The applicant for the Conditional Home Occupation Agreement must sign the application and represent that the contents of the certificate are true and correct to the best of his or her knowledge. Any person who falsifies any information on any application made with the Department shall be subject to criminal proceedings under title 11, chapter 5, subchapter III, subpart F of the Delaware Code or its successor. A Conditional Home Occupation Agreement is not required for home occupations, professional office or studios, which at the time of passage of this ordinance legally employed no more than two persons to provide secretarial, clerical or similar assistance.
 - b. A home occupation which provides a service that occurs off-site may have additional employees, provided such employees meet and work off-site and not at the subject residence.
 - c. Exception: In Arden, Ardentown, and Ardencroft ("the Ardens") the owner of the home occupation need only be a full-time resident of the Ardens and may employ two (2) full-time non-resident employees or independent contractors. The owner may employ an additional two part-time/seasonal employees or independent contractors, provided the appropriate Village Secretary is notified in writing on the Home Occupation Village Notification Form. Any changes to such an arrangement must be done in writing to the Village Secretary within thirty (30) days of the change.
 2. **Customers/Clients:** The operator may meet with customers at the site provided that the frequency and consistency of traffic to and from the site in relation to the home occupation does not interfere with the community's comfort, safety, or enjoyment of the neighborhood around the subject property as a residential area or create a visual or traffic annoyance to persons of normal sensibilities such that a public nuisance is created. High volume visits and traffic to and from the site during the hours of 8:00 a.m. until 6:00 p.m. shall be prima facie evidence that the home occupation is not indistinguishable from other dwellings and creates a public nuisance in the residential neighborhood, in violation of this section.

3. **Location, size and modifications:** No home occupation shall be conducted outside the dwelling unit. The total area used to accommodate the home occupation shall not exceed twenty-five (25) percent of the total gross floor area (GFA) of the principal residential dwelling. No structural alterations or enlargements shall be made to the dwelling unit for the primary purpose of conducting the home occupation.
 - a. Exception: In the Ardens, the home occupation shall not exceed 1,000 square feet inclusive of all square footage in the dwelling and any accessory structure on the same lot utilized for the home occupation so long as the residential character of the buildings are maintained.
4. **Parking:** Adequate on-site, off -street parking shall be provided for all employees, customers, clients and/or pupils. The principal driveway serving the residence shall act as the parking area. Only the principal driveway may be used for parking in conjunction with the home occupation.
5. **Hazardous materials:** Toxic, explosive, flammable, radioactive or other restricted materials used, sold or stored on the site in connection with the home occupation must conform to the New Castle County Building Code for residential uses.
6. **Outside storage:** No outdoor display or storage of materials, goods, supplies or equipment related to the home occupation shall be permitted.
 - a. Exception: In the Ardens, outside activities and storage is permitted, but neither shall be visible from roadways or from beyond the leasehold.
7. **Deliveries and Pick-ups:** Truck deliveries or pick-ups of supplies or products, associated with the home occupation shall occur only within the hours of 8 a.m. and 7 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods. No regular tractor trailer delivery shall be permitted.
8. **Signs and Displays:** No display of any products or operations that would create external evidence of the operation of the home occupation is permitted. No sign is permitted which will in any way advertise or identify the home occupation. No marked service vehicle, trailer or other equipment used in conjunction with the home occupation shall be parked on the property or contiguous street right-of-way so as to identify, advertise or otherwise attract attention to the home occupation.
 - a. Exception: In the Ardens, one (1) non-illuminated sign up to one (1) square foot in size may be attached to the dwelling or the accessory structure and one (1) two axle marked service vehicle may be parked on the property.
9. **Manufacturing, repairing, mechanical work:** No manufacturing, repairing or other mechanical work shall be performed outside the dwelling unit. When such activity is conducted inside the dwelling unit, it shall be conducted in such a way that no noise, heat, glare, odor, vibration, electromagnetic interference or smoke shall be perceptible at or beyond the property line.
 - a. Exception: In the Ardens, manufacturing, repairing, and other mechanical work may be performed outside the structure housing the home occupation so long it is conducted in such a way that no noise, heat, glare, odor, vibration, electromagnetic interference causes an annoyance to persons of normal sensibilities by creating a public nuisance.

10. Penalties.

- a. Each person who engages in a home occupation with on-site, non-resident/family employees or independent contractors without having filed the Conditional Home Occupation Agreement or updating the Conditional Home Occupation Agreement as required (except for those exempted as valid nonconforming uses at the time of the passage of this ordinance) shall be guilty of a violation of this chapter and subjected to a fine of up to \$100, or imprisonment for up to 10 days, or both. Each day that a violation of this code section continues shall constitute a separate offense for which a separate conviction may be obtained and a separate penalty imposed.
- b. Each person found to have included a false statement in the Conditional Home Occupation Agreement shall be subject to the penalties for violation of title 11, chapter 5, subchapter III, subpart F of the Delaware Code or its successor.
- c. Each person found to have violated any other provision of this home occupation ordinance shall be guilty of a violation of this chapter punishable by a fine of up to \$100 or imprisonment for up to 10 days, or both. Each day that a violation of the home occupation ordinance continues shall constitute a separate offense for which a separate conviction may be obtained and a separate penalty imposed.

11. Nonconforming Uses: Legal home occupation uses that become nonconforming following adoption of this chapter may continue to remain as a nonconforming situation and, pursuant to article 8 of chapter 13, any change in title or of right to possession shall not affect the continuation of the nonconforming situation. As set forth in article 8, the status of any nonconforming situation may be determined by the Department after public notice.

12. Variance From Home Occupation Provisions: Any application for a variance from the provisions of this section will be treated as an application for a use variance.

"You Are Welcome Hither"

Arden

TRUSTEES OF ARDEN
2802 DALEANS ROAD
ARDEN, DE 19818
(302) 475-7988

January 14, 2000

TO: Residents of the Village of Arden
FROM: Trustees of Arden
RE: HOME BASED BUSINESS ORDINANCE

New Castle County is in the process of rewriting its Home Based Business Ordinance (Section 3.420 of County Code) to bring the ordinance up-to-date to enable small businesses that operate out of a private residence with no noticeable effect on the character of the neighborhood to operate legally.

A committee of people (The Ardens Home Occupation Task Force) representing small businesses in the Ardens (both arts and crafts persons and other independent business persons) has suggested that the proposed county ordinance is too restrictive and has put together an alternative position. An alternative position was supported IN CONCEPT at the September Town Meeting. The details of an alternative position will be discussed at all Town Meetings in January. The Task Force hopes to receive affirmative votes to support the alternative ordinance at these meetings. We hope that a representative of County Government will attend the Village of Arden meeting so that residents can obtain firsthand comments from an official County source.

The Trustees of Arden have checked to ascertain that the proposal is consistent with all the legal documents relating to the leaseholds, e.g., the lease agreement and the Deed of Trust. They have no official position on the details of the alternative position. However, the Trustees wish to make sure that the residents of Arden who have not had the opportunity to attend either the last town meeting or the special home-based business task force meetings understand the differences between the County proposed ordinance and the alternative ordinance proposed by the task force.

The chart below simply outlines the differences between the proposed ordinance and the task force ordinance.

A copy of the entire proposed new County Ordinance can be obtained by calling Councilman Weiner's office at 571-7528

A copy of the complete comparison of the task force proposed ordinance can be obtained by contacting Bill Busch, Chris Coburn, Amy Pollack, or Mark Taylor.

Comparison of New Castle County and Arden Task Force Home Based Business Ordinance

Section	New Castle County Proposal	The Ardens Home Based Business Task Force Proposal
A.1 Number of employees	The full time resident of the building and family members who reside in the building	A full time resident of the Ardens, not necessarily of the building in which the business is located nor of the same village, e.g., a resident of Arden could operate a business in a building in Ardentown.
	two nonresident additional full time OR four part time employees/independent contractors as long as only two are on the premises at one time	two nonresident additional full time employees/independent contractors AND two part time/seasonal employees /independent contractors
	to employ nonresidential persons a Conditional Home Occupational Agreement (CHOA) containing the names, dates of birth and an optional request for social security numbers of the employees working at the site, must be filed with the County	to employ nonresidential persons the respective Village secretary will be notified in writing, e.g., "Dear Village Secretary, I employ one person."
	a penalty for noncompliance shall be subject to criminal proceedings under title 11, chapter 5, of Delaware Code	no penalty for noncompliance of section A.1
A.3 Locatn/size	no business area outside the dwelling unit	business areas permitted in accessory structures on the same lot
	total area used shall not exceed 25% of the gross floor space	total area used shall not exceed 1000 square feet inclusive of all square footage of the dwelling and any accessory structure same
	no structural alterations or enlargements shall be made to the dwelling unit for the primary purpose of conducting the home occupation	
A.4 Parking	Parking is off-street. Only the principal driveways may be used for parking inconjunction with the home-based occupation	It is preferred that the principal driveway serving the residence shall act as the parking area in conjunction with the home occupation
A.6 Outside Storage	no outside display or storage of materials, good, supplies or equipment related to the home occupation	outside activities and storage are permitted but neither shall be visible from roadsides or from beyond the leasehold
A.8 Signs and Display	no sign is permitted which will in any way advertise or identify the home occupation	one non-illuminated sign up to one square foot in size may be attached to the dwelling or the accessory structure
	no marked service vehicle, trailer, or other equipment used in conjunction with business shall be parked on the property or contiguous street right-of-way so as to identify, advertise or other wise attract	one two-axle marked service vehicle may be parked on property
A.9 Manufctg, etc	no manufacturing, repairing, and other mechanical work shall be performed outside the dwelling	manufacturing, repairing, and other mechanical work may be performed outside
	no noise, heat, glare, odor, vibration, electromagnetic interference or smoke shall be perceptible at or beyond the property line	outside work shall be conducted in such a way that no noise, heat, glare, odor, vibration, electromagnetic interference creates a public nuisance.
A.10 Penalties	violation of code besides the CHOA = \$100 and/or 10 days imprisonment	violation of code besides the CHOA = \$100 and/or 10 days imprisonment.
		In the Ardens, complaints regarding home occupation within the geographic confines of the Ardens will be responded to and/or investigated after two complaints are received from different residences/domiciles within, adjacent to, or fronting the Ardens.

ACQUISITION OF ARDEN CRAFT SHOP

CAPITAL FUNDS REQUIRED

Purchase of property	\$245,000
Repairs & Renovations (details below)	222,000
Museum/Archives Installation (details below)	105,000
Closing & Legal Expenses	8,000
Fund Raising & All Other Expenses	<u>20,000</u>
Total Funds:	\$600,000
Minimum Needs:	\$500,000 (assumes several lower priority projects postponed or eliminated.)

Repair & Renovation Projects

- Kitchen & bathroom upgrades
- Interior & exterior woodwork repairs
- Painting
- Electrical & plumbing upgrades
- Window replacements
- Sprinkler system

Museum/Archives Projects

- Renovation of space
- Handicap bathroom
- Kitchen upgrades
- Dehumidification system
- Storage, display & lighting fixtures
- Measuring equipment & computer

CAPITAL FUND SOURCES

Committed funds	\$110,000
Potential commitment from 3 foundations	<u>200,000</u> (feasibility study results)
Sub-Total	\$310,000
Target funds from 6+ identified funding sources & gifts from individuals	<u>290,000</u>
	\$600,000

CRAFT SHOP FINANCES

Ownership & Operation by:
 (A) Village of Arden or (B) a 501C(3) Corporation

	Actual 1998	<u>Forecast Income & Expense</u>	
		<u>A</u>	<u>B</u>
<u>Gross Income:</u> Rent (a)	\$27,200	\$24,400	\$24,400
<u>Expenses:</u>			
Maintenance			
- General Repairs	670	2,000	2,000
- Reserve for major repairs (b)	-----	2,400	2,400
Insurance	760	4,500	4,500
Oil	2,800	3,000	3,000
Electric & Gas	1,000	1,000	1,000
Water & Sewer	800	800	800
Taxes (Land Rent)	1,790	-----	1,800
Depreciation	4,050	-----	(c)
Management Fee	-----	2,500	2,500
Corporation Expenses	-----	-----	1,000
Miscellaneous	450	1,000	1,000
	<u>\$12,320</u>	<u>\$17,200</u>	<u>\$20,000</u>
<u>Net Income:</u>	\$14,880	\$ 7,200 (d)	\$ 4,400 (d)

Notes:

(a) Rent for Arden and Corporation operations assumes 3% vacancy allowance.

(b) Major maintenance reserve detail:

<u>Item</u>	<u>Amount</u>	<u>Life in Years</u>	<u>Annual Expense</u>
Roof	\$16,000	20	\$ 800
Painting	10,000	10	1,000
Heating	15,000	25	<u>600</u>
			\$2,400

(c) Sufficient depreciation will be taken to yield zero net income so that no income tax is due. Maximum IRS allowable depreciation will be about \$18,000 per year.

(d) Income can be used to operate the proposed Arden Museum and/or reserved for other building needs.

Craftshop Ownership

1/24/99

The Craft Shop Acquisition Committee has worked on two related but quite different possibilities for ownership. For the purpose of discussion these two concepts are referred to below as (A) Village Ownership and (B) Independent Corporation. Ownership refers only to the building, not the objects in the archives. This table shows the strengths and weaknesses of the two options.

Issue	Option A Village Ownership	Option B Independent Corporation
Legal Liability	Use additional insurance to cover liability, excess would come to the Village	Liability would stop with the corporation.
Financial Responsibility	Maintenance paid from rental income, excess maintained as reserve.	Corporation responsible, Village not responsible
Tax Status of Rental Income	No income to the Village is taxable	Income after maintenance and depreciation is taxable as "unrelated income"
Tax Status of Donations	Donations to the Village are tax deductible by donor	Corporation would be 501(C)3 and donations deductible
Land Rent Status	No rent, ownership transferred to the Village, no county tax	Lease held by the Corporation; no County tax; Land Rent paid to Trustees
Tenant relations	Handled by contract with professional manager	Same
Accounting Procedure	Existing strict Village accounting rules would be followed	Maintain separate, strict accounting required by tax status
Archives Collection Ownership	Archives collection owned by the Village	Same

After discussion we plan to vote on which choice the village prefers.

Arden Continued Town Assembly

January 31, 2000 - 7:30 p.m. Gild Hall

Present:

Marguerite Archer
Lew Aumack
Peg Aumack
Beverly Barnett
Lou Bean
Ruth Bean
Lizzie Broadbent
Walter Broadbent
Marianne Cinaglia
Alton Dahl
Tom Frantz
Steve George
Aaron Hamburger
Sally Hamburger
Heidi Hoegger

June Irons
Rodney Jester
Deborah Kenney
Yvonne King
Bernie Kleban
June Kleban
Wayne Knotts
Lynda Kolski
Eliot Levin
Ken Mabrey
Marjorie Mabrey
Mary Marconi
Betty O'Regan
Bill Press
Peter Renzetti

Liz Resko
Gail Rinehart
Hugh Roberts
Marjorie Roberts
Edw. Rohrbach
R. Rothrock
Johanne Schroeder
Sadie Somerville
Janine Stearns
Mark Taylor
Steve Threefoot
Elizabeth Varley
Cecilia Vore
Larry Walker
Joan Zylkin

1. Meeting called to order:

The meeting was called to order by the town assembly chairperson, Bill Press. All residents were welcomed and their participation encouraged.

2. **Agenda Clarification:** This meeting is a continuation meeting from the 1/24/00 meeting. We will begin with the Trustees, Advisory, and Assessors reports and then follow with all the committee reports. We will also be taking nominations after each committee reports, for the election in March.

** THE LIST OF NOMINEES IS AT THE END OF THE MINUTES **

3. TRUSTEES - (Gail Rinehart)

1. The Land Rent bills for the 2000-2001 Fiscal Year are being prepared. You can expect to receive them in February.

2. We, and a group of residents, are continuing to work with Conectiv on the tree/power lines issue. Marianne will have some comments at the end of this report.

3. School Tax Rebate - In response to Mark's article in the Page: the decision of the school board to rebate this money occurred well after our internal process for collecting land rents. Thus, there was no way for us to factor this into the land rents that were due last March. The County Finance Department also was not able to factor this year's rebate into their tax bills, which we receive in July. The County mailed individual leaseholders the checks for improvements, some of which go to far away places. The Trust is receiving a check over \$4000 for the land. Next year the rate for this rebate will be included in the local school district tax bills when they come to us which will allow us to be consistent with the single tax philosophy.

4. Non-Conforming Status - We feel that we finally have reached an end to the non-conforming status situation as it applies to the pre-1954 multiple dwelling leaseholds within the Village. Each step of the process has been slow and deliberate as we have worked through to a position that we are convinced is the best for the town as a whole both now and into the future. What we have sought is a way to legalize at the County level those older, recognized multiple dwelling lots for those leaseholders who choose to do so. Over the past 6 months the County has accepted our position and validated that they will support this effort through a Board of Adjustment variance hearing. While there are clear costs to leaseholders who pursue this issue, the result is that the leasehold earns the Certificate of Non-Conforming Status. The value of this is variable, depending on the perception of individual leaseholders, mortgage companies, etc. Certainly the

lack of this designation has not been a factor over the past 40+ years as leaseholds have been routinely transferred without any problem.

As mentioned in the September report, over the summer we ran into one more little "quirk" in the process that needed to be cleared up. Applications were coming in not only to legalize the non-conforming status but with an additional request for a Special Use Variance known as a "mitigating variance". The purpose of this particular facet is to guarantee forever more the non-conforming status of the lot. While on the surface that sounds quite logical, there are some truly inherent problems with this Special Use designation. As has been the case throughout the past 2 1/2 year process, it has taken a few months to gain a real understanding of the particular issues and develop the appropriate position. Essentially, when a lot has been given this Special Use designation, it is no longer a part of the zoning code. In other words, leaseholders may choose to use the lot in a manner that is not consistent with the NC-10 designation or the philosophy of the town. This can be very damaging to a community that chose to operate under the single family residential zoning code, currently known as NC-10. You could be looking at a huge apartment building or a shoe store on your neighboring lot. The idea that, of course, no one would do such a thing is not a safe position to take. The idea that we could prevent this simply by denying a building permit also does not hold water. First, we do not deny legal building permits - we can't. That which is legal under County rules is legal. Second, we cannot support the Special Use variance at the County level simply to afford an individual leaseholder an extraordinary level of protection should their structure be 100% destroyed and then later say, when someone submits a building permit on something that is contrary to the intent of the community, "Oh no, we can't have that. We don't like those plans or those plans don't fit." Supporting the mitigation at the County level followed by denial at the Town level would be quite inconsistent and open us to a lawsuit.

What happened is that we had to make a choice between (1) supporting the mitigating variance which would have afforded an individual leaseholder maximum protection under the law should that leaseholder, for some unforeseeable reason, lose 100% use of their structure or (2) protecting the overall welfare of the Village. We chose the Village. In an effort to find a solution that would meet both the needs of the leaseholder and the Village, I did talk with our attorney to see if there was some way to develop an internal agreement between the Trust and the leaseholder that would allow us to support the mitigating Special Use variance at the County level and, at the same time, prevent a possible negative impact on the community. This proved not to be an option. Simply, one cannot have a "conditional" mitigating situation that will hold up in the courts. So, yes, a potential leaseholder does need to assume some risk if they wish to purchase one of these lots. However, we all assume risks with our personal decisions, and should something happen to cause the structure to be declared a 100% loss, the assumption is that the leaseholder does have insurance on the property so he/she will not lose any equity. The only loss will be that he or she cannot rebuild as a multiple dwelling.

In closing, we feel that we have worked hard and consciously to protect the privilege of the non-conformity of these established lots. Keep in mind that the Certificate of Non-Conforming Status does make the pre-1954 multiple dwelling lots legal. It meets that goal originally intended. It gives them a protection that they did not previously have in a community where no one else can have the same privilege.

5. The quarterly financial report is available on the entrance table and is considered to be a part of this report. (See attachments)

Respectfully submitted,
Gail Rinchart

Comments: Last Monday, we went through the process of amending and changing to our needs the County Code. Couldn't we do the same thing? *There were a lot of different facets that I tried with an attorney to work out and it just wasn't possible.* Do you want renters in this town or are you trying to eliminate them? By doing this you are getting rid of people like me, and you are also reducing the incentive for anyone to improve their rental units. In the event that they have natural damage, they cannot rebuild it again. *There are a variety of responses to that. #1 - Residents and Trustees decided on single family residential. The likelihood that you are going to lose 100% is extreme. New leaseholders come in and want to change the way they want to use the leasehold, they want to delete a domicile. The goal was to*

say pre-1954, you are fine. This is what was there. New situations don't come up, they are not supported. We don't want to lose diversity. We can't gamble one leasehold vs. opening the Village up. Why can't there be something to control or replace something that was lost? A real negative to renters in this town. This was upsetting to us, too. Another person: I'm in shock, I have a non-conforming lots and in the middle of legalizing that, and I'm also interested in having a mitigating variance, and redoing for rentee. If you have a small cottage, the possibility of losing it 100% is enormous. I do not understand how you, as the Trustees, can put us in this situation. You really wish us to abide by County zoning codes and that requires all kinds of limitations. I do not understand how you can deprive us of privileges from the County code. On the one hand you want us to have rules, and on the other hand you want us to having no access to benefits. Trustees did not select the zoning in 1954, it was the community. We had to make a decision, one or the other. We did not have other options. I'm not willing to take personal responsibility for the way it has delineated out. It's scary, my income, my future depends on that cottage. I still don't hear how you accept the County restrictions but not it's opportunities to save personal property. Because it's your personal property, we are not going to open this Village up to commercial enterprise. What gives you the right? How can you pick and choose? Here is a mitigating variance, which gives you some sense of freedom and financial security. To choose would be to open Village up. We're not in a position to do that. We had to make a decision that this option does not work for you. We've been working for 2 year, and I can't help that. You have insurance and renter has insurance. If you lose the domicile, it is a sad situation. That's more than sad, that's pulling the rug from under me. You do have a time to which you can apply. You do have protection after you apply. You have to pay money. We've resolved it for the future. (Aaron Hamburger) I want to point out that for 45 years if your domicile burned down 100%, you could not rebuild it. We are NOT changing this. When you moved in to your domicile, that was a risk you assumed. That may be true, but you need to let new residents know this. We can give the realtors a letter. There's no problem in doing this. (Aaron) Why do we have to let residents know this? There isn't a change. It's always been this way. You cannot replace a non-conforming property that has been destroyed. (Gail) Issue of precedent. There are 2 of them in the Town with mitigating. That is specifically a result of the process it has taken to work through. We were given a letter 2 yrs. ago that made no mention of this at all. Now we've discovered 3 or 4 things on this. We went to a lawyer that specializes in this. I'm concerned also because every time there's something in our own rules about not creating apartments it means that we've created a ratchet situation - number can go down but it can't go up. We've created a number of ways that it can go down. We're in an inevitable slide to 0 apartments. I like to think that we're a uniform residential community. Only one solution - withdraw from the County zoning. I'd rather than do this, than become another housing development. Another person: You are also dealing with the banks. Banks will not give a mortgage until mitigating variance is worked out. When I went to get mine the Board said it was a hardship. The town has the power to modify, maybe if we search further? Start thinking about the zoning? When you are investing in future income not equity and when that's gone it's a liability. Another person: I appreciate your situations - but no one forced you to buy these properties with these situations. I don't think this town knows what it means to take back zoning and the problems that come with it. Trustees do a good job with what they are given. We just became a commercial district, and all your lease values are going to go up. (Gail) Over 2 1/2 years, we have had many leaseholds that have been transferred without any problems. Once they learned about mitigating variance - that changed their viewpoint, it changed the risk factor.

Report approved.

3. TRUSTEES (Continued): (Marianne Cinaglia)

As you all know, Conectiv is eager to have their power lines unencumbered. I'm sure you have seen their trimming towards Ardentown. Last September the 3 towns got together to talk to Conectiv as a group and see whether we could get organization going for tree trimming. Each Arden on its way by itself. In the meantime, Conectiv gave us a map in which trees will be removed/trimmed. They have also said they will give us replacement trees - 108 trees. They intend to deliver all at once. We have been talking about this is our Centennial year and trying to make a permanent difference. Talked to Civic and Community Planning and contacted a landscape architect. They will take the plans as Conectiv had given us and look at trees that will be removed and decide whether Conectiv has made good decisions and come up with a plan so when we get these trees we will be able to know where we want to put what to make the village look nice.

Traffic mitigating committee has been working hard on reducing traffic - while at the same time the other communities around here are after widening the road. If we are going to have massive tree trimming we need a plan in place so that we can move as quickly as possible to put something back in there.

MOTION: Motion that the town assembly designate \$3000 from the undesignated pass through grant received from the County given to municipalities which do not collect transfer tax from leasehold/property sales to cover expenses entailed by engaging a landscape architect from Thomas Committa, Associates, West Chester, to survey trees designated by Conectiv to be trimmed or removed (particularly those along Harvey Road) recommend removal and pruning methods, and provide a master planting plan for Harvey Road and other areas heavily impacted by tree removal.

Motion seconded.

Comments: Bill Press reminded everyone that this motion does NOT include planting the trees. *We still need to have a professional give us a plan. 108 trees is no small amount. How many trees is Conectiv going to take out? There plan is on a 1 to 1 basis. I have a question regarding the aesthetics from a landscape architect. Normally an arborist has this expertise. The landscape architect does planning for large developments. No matter what his comment, I think he can do a good job. Community Planning strongly supports this. I think it is important to have a third party. Well worth the money. Harvey Road Traffic Calming Committee supports because trees lining street is traffic calming. We told him that we did not want a 'landscaped look' we wanted it natural and low maintenance. I'm in favor, but concerned about the expenses. Have we looked in the reserve? For example the hoses needed to water the new trees? The hoses would be when they come in a clump. How physically can we put these in? This money is not putting the trees in. They'll supply but won't replant. Another person: I'm concerned about this, too. They put new trees in on Naaman's Road and they are all dead now. We talked about that, but it's a separate situation. Do you know how big the trees will be? The trees will be 6 foot, we will also receive shrubs. A 6 ft. deciduous tree is very small. There's a big difference in the cost of trees. It might be to our advantage getting a smaller amount of larger trees. This is an offer from Conectiv, this is what we need to decide. You don't think there's competent people in Town? Hope there's someone in Town. There are more things to be done. This is a lot of money to pay for someone to tell us where to plant. I would rather put this money towards someone planting the trees for us. Call for vote.*

VOTE FOR MOTION: Ayes = 22; Nays = 16

Motion approved.

Report approved.

4. **ADVISORY** - Advisory Committee is working on developing a set of agreements on how we do our debates. So that everyone is heard. It would come to Town Meeting and you have something in writing it helps the meeting become more efficient. Bill Press mentioned that attendance has increased at Town Meetings, but we still want to make sure that everyone feels they will be heard.

Respectfully submitted,
Alton Dahl

Comments: What's happened to the coffee and refreshments served at meetings? The ball has been dropped and we need to get this assigned to different committees each meeting.

5. **ARCHIVES** - Part of Archives Committee's commitment for the Centennial, was to create a picture book. \$8.00 each book, 32 pages, 64 pictures.

Respectfully submitted,
Mark Taylor

Report approved.

6. **ASSESSORS** - The Assessors elected for the 1999-2000 term are:

Lew Aumack	Lou Bean	Alton Dahl	Lynda Kolski
Pete Renzetti	Jim Schwaber	Elizabeth Varley	Mary Marconi (alternate)

The Board held an organizational meeting on Dec. 30, 1999. Lew Aumack was elected Chair, Mary Marconi was elected Secretary. Two basic items of business were concluded: signing & notarizing the required Oaths of Office and establishing meeting dates for the remainder of the term.

1) Oath of Office - It is to be noted that this seemingly casual routine detail is, in fact, a most serious and binding matter that carries with it legal responsibilities and potential legal consequences. For the benefit of new residents it states: *"I (name of Assessor) do solemnly affirm that I will faithfully perform and discharge my duties as Assessor of Arden to the best of my ability, and that I will, as nearly as possible, assess the full rental value for the Arden land as required by the Deed of Trust and the Leases of Arden."*

That this is not a token affirmation is exemplified by the fact that a few years ago one elected Assessor, when he realized what he had signed, resigned from the Board because he could not support his assumed meaning of "full rental value".

2) Schedule of Board meetings - The next meeting of the Board (the 1st of 3 "public" meetings) is scheduled for January 27, as previously announced in the January Arden Page. Although all Board meetings are OPEN to all, those specifically designated as "public" are when the primary, possibly sole, purpose is for active resident input into the developing land rent system through questions, concerns, satisfactions/dissatisfactions and proposals for the next year.

The fall schedule of meetings has been posted a) on the Village Bulletin Board (Miller's Road), b) outside the Gild Hall and c) inside the Buzz Ware Village Center. It will appear, also, in the February issue of the Arden Page.

Most public meetings have been rather poorly attended, which makes this the weakest link in the entire land rent assessment process. I encourage active input from the community and serious consideration of all comments by the Board.

From recent experience, the time-frame for the more significant and/or controversial decision-points will probably be as follows:

January/February -	Criteria for determining full rental value
March/April -	Size and location factors
May -	Land use (domiciles, home businesses, commercial)
June -	Review, synthesis, final decisions and recommendations for the future.

Respectfully submitted,
Lew Aumack, Chair

7. **AUDIT** - No report.

8. **BUDGET** - No report.

9. **BWVC** - The BWVC committee continues with its mission of increased community use of the building and improvements to the physical building. There are several ongoing community exercise groups using the building. Some weeknights all rooms are literally buzzing with various types of community meetings! Recently the Arden Book Signing party was held in the "jungle" room (Room 3's nickname as a result of all its new plant residents). The art studio tour in February will be holding their reception at the BWVC and Connie McKinney has coordinated a special fund benefit concert for the BWVC in October. Short term rentals have been increasing also; everything from private bridal showers to acting workshops.

Our scheduler, Betty O'Regan did a comparative analysis of building use and it was determined that building usage from Sept.-Nov. '99 was three times that over Sept.-Nov. '98 use.

I would like to take this opportunity to again thank our anonymous donor for contributing the money to build our portable stage for the Coffee House. The coffee houses continue to be a fun social event where neighbors can come out and have some fun together. And, as always, each one is unique and different! So, come join us on the 2nd Friday of every month - 8:00-11:00 p.m.

New doors at the end of the hallway near Room #1 will be installed within the next couple weeks and the two sets of exterior doors in Rooms 1 and 2 will be installed by the end of this fiscal year. We have discovered the roof over the front entrance way is in dire need of repair and we will be working on this in the near future. We have scheduled a workday for Feb. 13th from 8:00-3:30 p.m. There will be various projects slotted throughout the day. Such projects include repairing the entrance way roof; sewing new curtains for Room 3; sprucing up the trim and wallpaper in the girls' bathroom; painting the interior of the front entrance way; some structure work in Room 4; wrapping hot water pipes with insulation; cleaning wood trim and windows; trimming of hedges out front. If anyone would like to contribute to our continuing endeavors to spruce up our community center, please call any one of the committee members: Marguerite Archer, Tim Colgan, Donna Dreisbach (Ardencroft), Allan Kleban, Ken Lipstein, Mary Ann Nelson (Ardentown), Betty O'Regan, Mark Taylor or Elyse Vincent (ACRA). Come out and put in a good day's work and have some fun socializing with your neighbors! Nourishments will be provided!

A statement concerning our long range planning and Archives has been printed up and left for circulation at the front desk. It will have been read previously in the meeting so I am not going to read it again. I will include it in my written report:

- The Buzz Ware Village Center committee would like to make a statement regarding the possible move of the town's Archives.
- For the past two years, the Buzz Ware Village Center committee has been discussing our long-range plan. The purpose has been to identify building use and activities the community would like to have in our village center.
- A major topic of these discussions has been the Arden Archives and where they will reside. As the acquisition of the Craft Shop is explored, we are at a standstill in our long range planning discussions in terms of building use and financial resources.
- The Archives' directive is to find a permanent location, which will be satisfied whether they move to the Craft Shop or stay at the Buzz Ware Village Center.

Our operating account is in good standing and even though we lost approximately \$5,000.00 with the closing of Hand-In-Hand last year and the transition of the YMCA's usage, other short-term rentals and programs have helped to partially offset that loss. We will be doing a comparative analysis of income and expenses at our next committee meeting in February.

Committee report respectfully submitted,
Marguerite Archer

MOTION: Motion to extend the two temporary one-year terms for BWVC Committee for another year. Motion seconded. Motion approved.

(Cecilia Vore clarified that this this committee will be electing 2 people for two years and 2 people for one-year terms.)

Announcements: There will be Valentine making on February 6th from 2:00-3:30 p.m. Children and adults are welcome to make valentines. February 27th from 1:00-4:00 p.m. there will be

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banner and flag making workshop for the Centennial Pageant. Someone nominated Joan Zylkin for the committee, but she declined. Remember the Arden Book is available tonight.

Report approved.

10. **CIVIC** - (Rodney Jester) - Leaf cleanup on Greens and right-of-ways has been finished. Pete Renzetti is making stainless steel stands for the Field Theatre columns. We hope to pour footers and install the columns sometime in February. Snow removal went very well this past week. A few streets were missed first time out. But they were plowed once we were informed. Lou Bean has finished setting the new stones at the Styx Path. Please go check it out.

MOTION: The antennas motion was tabled at the September Town Meeting. Would like to move from tabled to the floor.

Motion seconded. Motion approved.

The discussion on antennas are still alive. Sprint has sent us a contract. Reasonable chance we can receive money on this. Basically they want to put 9 antennas on top of the water tower. There will be a support machine on the ground. The machine is 10' W x 20' L. They have \$3600 a year. There's a possibility long term we might get more money out of them. I'd like to get moving on this. I'd like to have a line item for this money and that it get designated to the BWVC. This can cover the cost of maintenance at the Buzz Ware.

Comments: 3 comments - we need to investigate instead of negotiate contract. Needs to be refined since it's leased not owned land. Are there any beacons? *Not sure.* Money that comes to the Town that gets decided by Budget. You cannot make a comment like your last one. *That's fine.* Would that be within the fence of the water tower? *Yes.* What exactly is the 10' x 20' structure? *Marianne can answer. (Marianne) Example would be as big as a refrigerator. Total area 10' x 20'. Would be forced in on downhill side. Antennas are short. So, when you are looking at the tower you can't see the antenna. Tim put article in paper and no responsibility from paper. Are you asking for a motion?*

MOTION: I'd like to move that the Village of Arden authorize Civic and United Water acting with the Trustees negotiate contract with Sprint to locate cellular antenna on the water tower and bring us a proposal we can act on.

Motion seconded.

Respectfully submitted,
Rodney Jester

Comments: How much radiation/frequency? *Don't know. I can find that out for you. Just don't know right now.*

AMENDED MOTION: I'd like to move that the Village of Arden authorize Civic and United Water, acting with the Trustees, negotiate and 'authorize the signing' of the contract with Sprint to locate cellular antennas on the water tower and bring us a proposal we can act on.

Motion accepted.

Comments: Pay \$3600 for rent for a year? The receive millions of dollars a year, this sounds like they are paying us a very low fee. *They pay the water company and ours would just be a portion. That's why I asked for 'negotiate' because we just don't know what we can get. We should come to the town. Another person: We should only be discussing the amendment. Another person: I'm against the amendment but was for original contract. Another person: What does this do to fair rental value? We're settling for too little. (Rodney) They have a lease already - all we are doing is seeing if we can get*

something out of this. Another person: Current lease \$1 a year. Support Aaron's amendment. I have total trust in our Civic Committee and Trustees to make a big decision like this. They are entirely capable of handling this. Remember at the last meeting, we decided not to negotiate because the motion was tabled. You can not negotiate if you don't sit down at a table together. Call for vote.

VOTE ON AMENDED MOTION: Ayes = 14, Nays = 28. Motion not approved.

VOTE ON MOTION: Motion approved.

Report approved.

11. **COMMUNITY PLANNING** - Centennial Arden Book signing party on 1/16/00- additional copies \$6 each. Book committee consisted of Ruth Bean (chair), Sally Hamburger, Connie McKinney and Harry Thermal did a great job putting it together. Cover artist Russ McKinney, and it really makes it a special edition of the Arden book. In the back of the book is an updated map of the Ardens. Printed copies will be available to committees. Printed 2800 copies and it came in under budget by approximately \$1,000 - money will go back to Town. In addition, between donations from Ardentown and Ardencroft for their copies of the book and sales to date - we've taken in additional \$1,305. Memorial Garden, Saturday, May 6th is the date for the clean-up - raindate, Sunday, May 7th. April 8th - Arden Woods Clean Up. Harvey Road Traffic Calming Committee - Bev Barnett resigned, Walter Borders new chairman.

Respectfully submitted,
Lynda Kolski

Comments: You mentioned that leaseholders get a copy, is that correct? What about every resident? (Lynda) One copy of the book goes to each leasehold. (Cecilia) No, each leasehold - every household gets one.

Report approved.

12. **LEGISLATIVE REFERENCE** - No report.

13. **PLAYGROUND** - During the past four months, the required Playground inspections were conducted, and all equipment is in safe condition. Any needed repairs were made, and the wood chips under the equipment have been maintained to cushion children falling off of the swings, climbers, and slides. Because the Budget Item for replacing the Giraffe was approved, a "Double Humpty Climber" has been ordered for late March delivery to take advantage of present pricing before the next year's price increases become effective. The bill will be due on April 1, 2000. It is anticipated that in early April, the Giraffe will be removed, and the new equipment installed. It is hoped that a decorative use for the Giraffe can be found so that Villages can continue to enjoy it visually. After removal, the Giraffe will be stored until a decision can be reached on the ultimate disposition of the item.

Respectfully submitted,
Larry Walker

Report approved.

14. **REGISTRATION COMMITTEE** - The Board of Assessors election and annual budget referendum were held on November 9th. There were 232 valid ballots received. The assessors elected for the coming year are: Lew Aumack, convenor; Lou Bean, Alton Dahl, Lynda Kolski, Peter Renzetti, Jim Schwaber, and Elizabeth Varley. Mary Marconi is the alternate.

In the budget referendum, 128 voters approved the entire budget, 13 disappointed the entire budget, and 86 itemized various disapprovals, but none of the items received enough opposition to be defeated. Under the current rules, 117 votes were needed to pass an item.

During the first part of this meeting on 1/24, there were two instances when residents requested a paper ballot on a motion. Both times their request was voted down by the meeting. To clarify this procedure, there are two ways of getting a paper ballot: 1) one way is for a majority vote at the Town meeting; 2) Another way is for the Registration Committee to choose to conduct a particular vote with a secret ballot. In the future, the Registration Committee will discuss this and will make sure votes are conducted by whatever method ensure a "true expression of the voter's will."

In October, a list of new and not-so-new residents was given to the Welcome Hither Committee, who promptly distributed them to volunteers. Many of these have been delivered. Since September 1990, this "welcome to newcomers" function has been handled by the Village Van and then the Welcome Hither Committee. The volunteers for these committees have done a fine service to the Village. However, before the formation of these two ad hoc committees, welcoming newcomers was the responsibility of the Registration Committee, and went hand-in-hand with keeping track of the current residents. Over time, the Registration Committee gave this responsibility to others. I think introducing new residents to the Village and its government is an appropriate duty for the Registration Committee and, by assuming this responsibility again, the whole process will be simpler and faster. So, after my report, I will introduce a motion to disband the Welcome Hither Committee as an ad hoc committee and make its mission of Welcoming and informing newcomers a responsibility of the Registration Committee. By making the Welcome function part of the Registration Committee duties, I hope we will attract committee members who are interested in welcoming newcomers, and I especially hope we can rely on the continued involvement of the current volunteers.

Respectfully submitted,
Cecilia Vore

Comments: Number of registered voters? *I don't have that now. I had it at the last meeting before we did the referendum.* Bill Press said he received 2 calls regarding paper ballots. Pretty strong feelings and were some people that thought it would have been a better situation if it were a paper ballot. With heated discussions Registration should consider paper ballots. (Alton) At the Advisory meeting when we identify priority issues they can make a decision on whether or not we want paper ballots. (Cecilia) *I agree that this would be a way to handle this issue.* Another person: I don't think the way these meetings have run historically at Town Meeting, in which we argue and vote and then go on to the next issue. I think it would destroy the openness and nature of our Town Assemblies. It will lengthen Town Meeting substantially. Long time to count ballots. (Cecilia) *I am concerned that people do not feel comfortable openly voting.* If you can't stand up and give your opinion, and if your friends can't understand that it is just your opinion, that's just too bad. Another person: Different people react differently. Paper ballots allow people to feel empowered and not pressured.

Report approved.

MOTION: The ad hoc Welcome Hither Committee shall be disbanded and the mission of the Welcome Hither Committee, "to contact new residents and provide information about the governance of the village and the social fabric of the community" shall be assumed by the Registration Committee. The budget of the Welcome Hither Committee for the current year shall be put into the budget of the Registration Committee.

Motion seconded.

Comments: *Doing this purely for logistical reasons. Too lengthy a chain of who need them.* (Jannie Stearns) *Thinks it's wonderful to have Registration take over. Welcome Hither has had their hands tied. Most times we've done an admirable job. Been times when there's been a gap.*

VOTE FOR MOTION. Motion approved.

15. SAFETY - No report.

16. **SPECIAL COMMITTEES - (Centennial Committee)** January 2nd was the Kick-off Party. Good turnout. Quiet music. One thing we planned was to invite community leaders from northern New Castle County to our March meeting - which we were going to make a Sunday afternoon. We found out that that Sunday was taken, so it'll be held on a regular Monday evening. The idea for the Sunday was to start in the afternoon to make it easier for the dignitaries, but some people thought that if we started early it would go all day. Outside visitors coming to see how a real town meeting can be held.

17. **NEW BUSINESS - Peg Aumack** announced again that on February 13th, Sunday from 1:00 - 4:00 p.m. artists will hang out at studio. Many of them will be working. Will be in Arden Page.

Joan Zylkin held up something that she found in her backyard. She wasn't aware what it was, and not many others could identify it.

Marianne Cinaglia had additional information regarding home based businesses. She got a call from Councilman Bob Weiner. Wendy Danner said at the last meeting that there would be no variances allowed. That is not true, there will be 'used' variance. This is a higher standard than area variance. Bob also said that he gave the ordinance as the Ardens wrote it to the County Council lawyer Carol Dulin. County would not enforce the ordinance. Therefore, if the ordinance is what the Ardens wanted they would have to enforce it themselves. This is the home based business ordinance we would have to enforce business as we passed it. County would not enforce that - I'm just relaying information.

Comments: We can't review this from just a phone call - I would like this in writing. If they are not going to do what they said they would do, we need a written response. Another person: I challenge that statement. If they become part of home based business - they have to enforce it. (Marianne) However, these amendments they've got to be presented to the County along with the ordinance. The County Council makes an independent judgement on the ordinance and the amendments. (Gail) Marianne and Bob Weiner were talking about this today. There's a couple of different scenarios. We can see what else is out there. He has said all along that he would support Arden. Carol goes to all the Task Force meeting. The next step is a study. Another person: When we're talking to Bob Weiner - we're talking as supporters of that motion. What he said is that the County Council lawyer said that the County would not enforce that for Arden. Bill Press said that nothing is written in stone. Another person: One specific fact. The County vote is scheduled for February 8th. But Ardentown will not vote on it until February 14th. This is the voting for the County. What is our status if the County passes. Are we bound by that? I'm not sure. Just relaying information. Bill Press asked if he's been sent what we passed? Not sure. Wendy and Amy have been dealing with this. Bill Press asked if Marianne does feel that the County Council knows we want something different. It sounds like the three Ardens proposal will be impossible to present to the County Council. They don't know that Arden has any official position. It's been in the paper - it's public knowledge. But does the Council know? No, they don't. All three Ardens haven't approved it. That's the County's version, our proposal has to be voted on separately anyhow. (Gail) There are two different documents. The County's document, and the second document is the County's with our changes. Carol Dulin is the lawyer in the County Council. Wendy Danner is with Land Use. Another person: Our town has made a 3 to 1 decision on this subject. When anyone represents our Town that have to represent our town's opinion. (Gail) That's a given. I will fight for what the Village said, even though I disagree with it.

18. **GOOD AND WELFARE - The Brachmans** are moving out of town. Jean has lived here. February 19th is their going away party. It will be Saturday, 2/19 from 3:00-5:00 p.m. in the Gild Hall.

Meeting adjourned.

Respectfully submitted,

Jane M. Irons

Jane M. Irons
Town Secretary

SUMMARY OF NOMINATIONS FROM 1/31/00 TOWN MEETING

* Incumbent

Advisory Chair

Alton Dahl *

Archives (2)

Sally Hamburger *

Sadie Somerville *

Mary Marconi

Terry Colgan

Audit (1)

Liz Resko *

Dion Taylor

Budget (2)

Liz Resko *

Tom Wheeler

Carl Falco

Phil Fisher

BWVC (2) and (2 - 1 yr.)

Marguerite Archer *

Ken Lipstein *

Betty O'Regan *

Ron Ozer

Rachel Grier-Reynolds

Liz Resko

Marj Mabrey

Civic (2)

Lou Bean *

Ken Sutton

Deborah Kenney

Lynne Svenning

(Heidi Hoegger resigned.)

Community Planning (2)

Lynda Kolski *

Peter Renzetti *

Ruth Panella

Tom Frantz

Legislative Reference (2)

Elizabeth Varley

Playground (2)

Lanier Colgan *

John Stevenson *

Greg Walker

Bill Busch

Registration (3)

Cecilia Vore *

Beverly Barnett *

Lizzie Broadbent *

Natalie Hubbard

Hayes Butler

Jannie Stearns

Safety (2)

Ed Kelly *

Eliot Levin *

Terri Colgan

Alex Scala

Town Assembly Chair (1)

Bill Press *

Treasurer (1)

Ken Lipstein *

Town Secretary (1)

June Irons *

Village of Arden

Receipts and Bank Balances March 25, 1999 to December 31, 1999

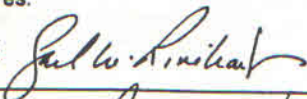
Balance In Bank March 25, 1999		51,691.46
Receipts:		
Grants	12,420.00	
Interest & Dividends	801.54	
Land Rent:		
Past Fiscal Year(s)	3,983.81	
Present Fiscal Year	180,803.55	
Future Fiscal Year(s)	515.01	
Meadow Lane Access Rent	285.37	
Memorial Garden Donations	2,858.00	
Miscellaneous	6,878.34	
Rights of Way:		
Cable TV	1,621.74	
Roads	5,542.29	
	SUBTOTAL Receipts	215,709.65
Redeemed Investments	+	233,838.31
New Investments	-	150,000.00
TOTAL RECEIPTS		299,547.96
 Receipts & Starting Bank Balance		351,239.42
Expenditures Against Budget		323,778.59
Balance In Bank as of December 31, 1999		27,460.83

NOTE: Investment Position

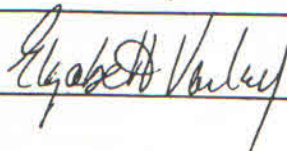
Arden Building and Loan	68,226.53
Vanguard Money Market	97,152.90
Other:	0.00
TOTAL Investment Position	165,379.43

Signatures:

Trustee:



Admin. Assist.:

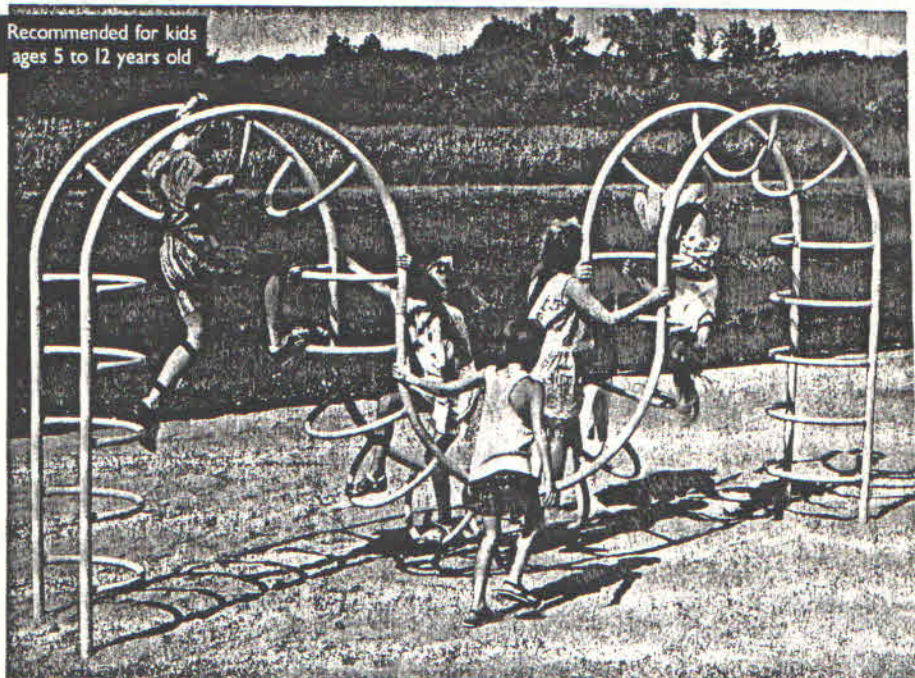


Village of Arden - Expenditures Against Budget March 25, 1999 to December 31, 1999

Budget Item	Budgeted Amount	Expenditures F.Y. to Date	Expenditures Since Last Report	Notes:
Committees:				
Archives	3,780.00	2,726.55	1,816.55	
Buzz Ware Village Center	1,000.00	736.70	233.27	
Buzz Ware VC: Renovations	6,000.00	0.00	0.00	
Centennial Celebration	4,000.00	1,685.45	1,685.45	
Civic: Commons & Forests	15,000.00	9,937.23	3,630.19	
Civic: Roads	15,000.00	12,451.25	11,146.25	
Civic: Special Clean-up	2,500.00	1,021.21	0.00	
Civic: Trash Collection	36,500.00	27,486.15	12,336.00	
Community Planning	1,500.00	0.00	0.00	
Com. Plan.: Grant Match Funds	3,000.00	0.00	0.00	
Legislative References	300.00	0.00	0.00	
Playground	1,550.00	1,173.08	720.00	
Registration	3,250.00	2,160.74	1,273.04	
Safety: General	900.00	489.74	316.48	
Safety: Town Watch Coordinator	2,268.00	1,701.00	756.00	
Welcome Hither	275.00	22.32	22.32	
Salaries:				
Assembly Secretary	5,369.00	3,663.00	1,628.00	
Bookkeeping Services	2,205.00	1,503.00	668.00	
Other Line Items				
Acquisition Committee/Craft Shop	2,000.00	0.00	0.00	
Arden Book Centennial Edition	7,851.00	2,800.00	2,500.00	
Board of Assessors	100.00	0.00	0.00	
Donations: ACRA	700.00	700.00	0.00	
Donations: Arden Library	450.00	450.00	0.00	
Donations: Arden Page	1,100.00	1,100.00	0.00	
Donations: Fire Companies	950.00	950.00	0.00	
Gld Hall Rental	700.00	700.00	0.00	
Telephone	260.00	193.17	78.66	
Contingencies	2,000.00	459.92	0.00	
Items Not Subject to Referenda				
Memorial Garden Fund	N/A	1,814.88	444.90	(a) Deferred Revenue (Audit '98-'99)
Civic: Grants	(a) 9,286.00	(c) 6,228.00	5,250.00	98 Bond Bill One-Time-Aid to Local
Com. Plan.: Grants	(b) 1,296.63	(d) 3,437.07	3,437.07	Governments - \$4,036.00
Taxes: New Castle Co. Property	58,000.00	56,772.55	56,675.47	DOT '99-P-Prop-52 - \$5,250.00
Taxes: School	148,900.00	154,037.16	153,782.74	(b) Deferred Revenue (Audit '98-'99)
Administrative: Auditing	4,000.00	3,900.00	3,900.00	Traffic Calming '97-P-Prop-117 - \$993.29
Administrative: Insurance	7,000.00	4,552.00	0.00	Urban Forestry II - \$303.34
Administrative: Legal	8,000.00	505.43	480.43	(c) Expenditure: One-Time-Aid to
Administrative: Office Rent	2,100.00	1,575.00	700.00	Local Governments - \$978.00
Administrative: Operations/Fees	5,000.00	(e) 8,562.14	1,718.79	DOT '99-P-Prop-52 - \$5,250.00
Administrative: Payroll Taxes	1,600.00	3,155.20	1,379.76	(d) Expenditure:
Administrative: Salary Ad. Asst.	8,820.00	6,615.00	2,940.00	Urban Forestry II - \$303.34
Less Accrued Taxes		(1,486.35)	(660.60)	Urban Forestry III - \$3,133.73
TOTAL	374,510.63	323,778.59	268,858.77	(e) Over expenditure due to cost of survey of Marsh/Harvey Rd. Intersection - \$3,250.00

COMING THIS SPRING
TO THE ARDEN GREEN!

Recommended for kids
ages 5 to 12 years old



SAY GOODBYE TO THE GIRAFFE!



SIGN UP
TO BE
IN
ARDEN'S CENTENNIAL
PAGEANT



to be held on
MAY 20 , 2000
from
2:00- 5:30 p.m.
on the Woodland Green
Arden, Delaware

The Pageant includes:
a Medieval (or any other costume) Parade,
Maypole Dance, Shakespeare, singing, music,
and dancing.



For the folk of Ardens three, friends, neighbors,
Arden Club members, who want to make a joyful celebration
to remember the past 100 years.

Deadline to sign up for the parade or to do a performance is
March 18, 2000 so call and sign up now!

We can give you ideas for costumes or tell you more about
the pageant – call Sadie 475-1745, Shari 475-5512
or Beverley 465-2940



Village of Arden
2107 Harvey Road
Arden, DE 19810

Dated material enclosed

- Notice of Town Meeting
- Minutes from 1/24/00 Town Meeting
- Minutes from 1/31/00 Continued Town Mtg.

ALL ARE WELCOME